

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Phillip Scott Scherrer

v.

Case No. 08-cv-2-SM

United States

ORDER

Re: Document No. 24, Response to Court's Order

Ruling: The government's response to the court's inquiry suggests its agreement that federal habeas relief is appropriate in this case. The government, in essence, seeks a brief stay before that relief is granted, however, to allow it to complete ongoing plea negotiations in anticipation of relief being granted. While the court cannot discern why relief cannot be granted promptly and the case proceed as it might, without adversely affecting any interest of the government or the defendant, a brief stay will be entered. Absent the government's showing cause within thirty (30) days of the date of this order, habeas relief in the form of vacation of the conviction and sentence will be afforded petitioner on grounds that he was not fully competent due to the effect of prescribed medications at the time he pleaded guilty to charges in the indictment.



Steven J. McAuliffe
Chief Judge

Date: October 7, 2009

cc: Liam D. Scully, Esq.
Aixa Maldonado-Quinones, AUSA